

1 General Docket, Civil Cases, Circuit Court, SMITH COUNTY CIRCUIT CLERK

No. CV2021-082-1

CFN 3093

AUDREY JOHNSON, A MINOR BY TERESA STEWAR Counsel for Plaintiff
VS. RAYMOND P. TULLOS
Counsel for Defendant

PLAYCORE WISCONSIN, INC

JUDGE Eddie H Bowen

DATE

ORDERS, JUDGMENTS, ETC.

5/04/21 COVER SHEET
5/04/21 COMPLAINT
5/04/21 PLAINTIFFS INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
5/06/21 ISSUED SUMMONS ON PLAYCORE WISCONSIN, INC. (RTA)
5/06/21 ISSUED SUMMONS ON WILLIAM T. SLOAN (RTA)
5/10/21 EXECUTED SUMMONS TO PLAYCORE WISCONSIN, INC. 5.7.21

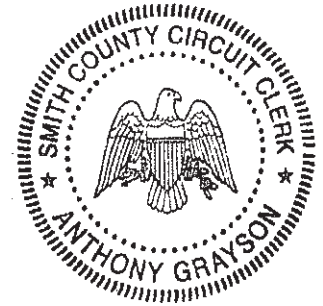


EXHIBIT "A"

COVER SHEET**Civil Case Filing Form**(To be completed by Attorney/Party
Prior to Filing of Pleading)Mississippi Supreme Court
Administrative Office of Courts
Form AOC/01
(Rev 2020)

Court Identification Docket #

165		CI
County #	Judicial District	Court ID (CH, CI, CO)

05	04	21
Month	Date	Year

This area to be completed by clerk

Case

2021

Docket Number

082	-1
35	
Local Docket ID	

Case Number if filed prior to 1/1/94

In the CIRCUIT

Court of SMITH

County —

Judicial District

Origin of Suit (Place an "X" in one box only)

- | | | | | |
|--|-------------------------------------|--|--|--------------------------------|
| <input checked="" type="checkbox"/> Initial Filing | <input type="checkbox"/> Reinstated | <input type="checkbox"/> Foreign Judgment Enrolled | <input type="checkbox"/> Transfer from Other court | <input type="checkbox"/> Other |
| <input type="checkbox"/> Remanded | <input type="checkbox"/> Reopened | <input type="checkbox"/> Joining Suit/Action | <input type="checkbox"/> Appeal | |

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Johnson

Audrey

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____**Business**

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A _____

Address of Plaintiff 2720 SCR 18. Mize. Mississippi 39116

Attorney (Name & Address) Raymond P. Tullas, P.O. Box 74. Raleigh. Mississippi 39153

MS Bar No. 103745

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing:

Raymond P. Tullas

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business Playcore Wisconsin, Inc.

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A _____

Attorney (Name & Address) - If Known

MS Bar No.

Check (x) if child support is contemplated as an issue in this suit.*

*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

- | | | |
|---|--|--|
| <input type="checkbox"/> Domestic Relations
<input type="checkbox"/> Child Custody/Visitation
<input type="checkbox"/> Child Support
<input type="checkbox"/> Contempt
<input type="checkbox"/> Divorce: Fault
<input type="checkbox"/> Divorce: Irreconcilable Diff.
<input type="checkbox"/> Domestic Abuse
<input type="checkbox"/> Emancipation
<input type="checkbox"/> Modification
<input type="checkbox"/> Paternity
<input type="checkbox"/> Property Division
<input type="checkbox"/> Separate Maintenance
<input type="checkbox"/> Term. of Parental Rights-Chancery
<input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA)
<input type="checkbox"/> Other _____ | <input type="checkbox"/> Business/Commercial
<input type="checkbox"/> Accounting (Business)
<input type="checkbox"/> Business Dissolution
<input type="checkbox"/> Debt Collection
<input type="checkbox"/> Employment
<input type="checkbox"/> Foreign Judgment
<input type="checkbox"/> Garnishment
<input type="checkbox"/> Replevin
<input type="checkbox"/> Other _____ | <input type="checkbox"/> Probate
<input type="checkbox"/> Accounting (Probate)
<input type="checkbox"/> Birth Certificate Correction
<input type="checkbox"/> Mental Health Commitment
<input type="checkbox"/> Conservatorship
<input type="checkbox"/> Guardianship
<input type="checkbox"/> Joint Conservatorship & Guardianship
<input type="checkbox"/> Heirship
<input type="checkbox"/> Intestate Estate
<input type="checkbox"/> Minor's Settlement
<input type="checkbox"/> Muniment of Title
<input type="checkbox"/> Name Change
<input type="checkbox"/> Testate Estate
<input type="checkbox"/> Will Contest
<input type="checkbox"/> Alcohol/Drug Commitment (voluntary) |
|---|--|--|

- ☐
- Alcohol/Drug Commitment (voluntary)
-
- ☐
- Other

Children/Minors - Non-Domestic

- ☐
- Adoption - Contested
-
- ☐
- Adoption - Uncontested
-
- ☐
- Consent to Abortion
-
- ☐
- Minor Removal of Minority
-
- ☐
- Other

Civil Rights

- ☐
- Elections
-
- ☐
- Expungement
-
- ☐
- Habeas Corpus
-
- ☐
- Post Conviction Relief/Prisoner
-
- ☐
- Other

Contract

- ☐
- Breach of Contract
-
- ☐
- Installment Contract
-
- ☐
- Insurance
-
- ☐
- Specific Performance
-
- ☐
- Other

Statutes/Rules

- ☐
- Bond Validation
-
- ☐
- Civil Forfeiture
-
- ☐
- Declaratory Judgment
-
- ☐
- Injunction or Restraining Order
-
- ☐
- Other

Real Property

- ☐
- Adverse Possession
-
- ☐
- Ejectment
-
- ☐
- Eminent Domain
-
- ☐
- Eviction
-
- ☐
- Judicial Foreclosure
-
- ☐
- Lien Assertion
-
- ☐
- Partition
-
- ☐
- Tax Sale: Confirm/Cancel
-
- ☐
- Title Boundary or Easement
-
- ☐
- Other

Torts

- ☐
- Bad Faith
-
- ☐
- Fraud
-
- ☐
- Intentional Tort
-
- ☐
- Loss of Consortium
-
- ☐
- Malpractice - Legal
-
- ☐
- Malpractice - Medical
-
- ☐
- Mass Tort
-
- ☒
- Negligence - General
-
- ☐
- Negligence - Motor Vehicle
-
- ☐
- Premises Liability
-
- ☐
- Product Liability
-
- ☐
- Subrogation
-
- ☐
- Wrongful Death
-
- ☐
- Other

EXHIBIT "A"

EXHIBIT "A"

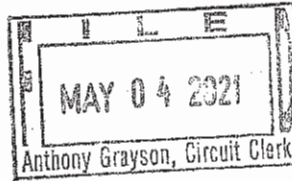
IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI

AUDREY JOHNSON, A MINOR, BY
TERESA STEWART, ADULT AND NEXT FRIEND

PLAINTIFF

VS.

PLAYCORE WISCONSIN INC.;
GAMETIME PROPERTIES, LLC;
ABC; AND DEF



NO. 2021-082-1

DEFENDANTS

COMPLAINT

Comes now Audrey Johnson, a minor, by Teresa Stewart, Adult and Next Friend, Plaintiff in the above styled and numbered cause, and files this her Complaint against the Defendants, PlayCore Wisconsin, Inc., Gametime Properties, LLC, ABC, and DEF, and in support thereof would show unto the Court the following facts, to wit:

1. That the Plaintiff is a minor resident citizen of Smith County, Mississippi, and Teresa Stewart is an adult resident citizen of Smith County, Mississippi, and she is the grandmother and legal guardian of said minor.
2. That the Defendant, PlayCore Wisconsin, Inc. is a non-resident corporation of the State of Mississippi and is domiciled in the State of Wisconsin. That process may be served on said Defendant by service of process upon its registered agent, C.T. Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. That the Defendant, Gametime Properties, LLC is a non-resident corporation of the State of Mississippi and is domiciled in the State of Alabama. That process may be served on said Defendant by service of process upon its

EXHIBIT "A"

EXHIBIT "A"

registered agent, William T. Sloan, 1130 North Lamar, Post Office Box 913, Oxford, Mississippi 38655.

4. That the proper name and address of the Defendant, ABC, is unknown at this time and will be provided when it becomes known to the Plaintiff.

5. That the proper name and address of the Defendant, DEF, is unknown at this time and will be provided when it becomes known to the Plaintiff.

6. That on or about August 22, 2019, the Plaintiff was on the premises of Mize Elementary School in Mize, Smith County, Mississippi, for the purpose of attending said school. That on said date, the Plaintiff was with other students on the playground under the supervision of Mize Elementary School employees, ABC and DEF, during recess at Mize Elementary School, Smith County, Mississippi, when the Plaintiff was playing on a piece of playground equipment, pictured in the attached Exhibit "A" and Exhibit "B", created by the Defendants, PlayCore Wisconsin, Inc. and Gametime Properties, LLC, and was ejected from said equipment and fractured her tibia.

7. That the Defendant, PlayCore Wisconsin Inc., was careless, reckless, and negligent in the following ways, to wit:

(a) That the Defendant created playground equipment which it knew or should have known was unsafe, hazardous, and dangerous.

EXHIBIT "A"

(b) That the Defendant placed its equipment on a playground knowing that the equipment was unreasonably dangerous for children to use and operate.

(c) That the Defendant failed to have an adequate description of how the playground equipment should be operated.

(d) That the Defendant failed to conduct an inspection of said playground equipment for the purpose of discovering known apparent dangers, as well as unknown and latent dangers, in order to make the Defendant's playground equipment reasonably safe for children to play on.

(e) By other acts and omissions.

8. That the Defendant, Gametime Properties, LLC, was careless, reckless, and negligent in the following ways, to wit:

(a) That the Defendant created playground equipment which it knew or should have known was unsafe, hazardous, and dangerous.

(b) That the Defendant placed its equipment on a playground knowing that the equipment was unreasonably dangerous for children to use and operate.

(c) That the Defendant failed to have an adequate description of how the playground equipment should be operated.

(d) That the Defendant failed to conduct an inspection of said playground equipment for the purpose of discovering known apparent dangers, as well as unknown and latent dangers, in order to make the Defendant's playground equipment reasonably safe for children to play on.

EXHIBIT "A"

(e) By other acts and omissions.

9. That the Defendants, ABC and DEF, were careless, reckless, and negligent in the following ways, to wit:

(a) That the Defendants, and each of the Defendants, created playground equipment which it knew or should have known was unsafe, hazardous, and dangerous.

(b) That the Defendant placed its equipment on a playground knowing that the equipment was unreasonably dangerous for children to use and operate.

(c) That the Defendants, and each of the Defendants, failed to have an adequate description of how the playground equipment should be operated.

(d) That the Defendants, and each of the Defendants, failed to conduct an inspection of said playground equipment for the purpose of discovering known apparent dangers, as well as unknown and latent dangers, in order to make the Defendant's playground equipment reasonably safe for children to play on.

(e) By other acts and omissions.

10. That as a direct and proximate result of the aforesaid negligence of the Defendants, and each of the Defendants, the Plaintiff sustained serious injuries. That the Plaintiff has sustained and she will continue to sustain excruciating physical and mental pain, anguish, and discomfort. That the Plaintiff's injuries are permanent and temporary in nature.

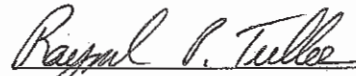
EXHIBIT "A"

11. That as a direct and proximate result of the aforesaid negligence of the Defendants, and each of the Defendants, the Plaintiff has incurred expenses for hospital bills, doctor bills, medical bills, and other necessary medical expenses, and she will continue to incur such expenses in the future.

12. That as a direct and proximate result of the negligence of the Defendants, and each of the Defendants, the Plaintiff sustained said injuries, damages, losses, and liabilities hereinabove stated.

WHEREFORE, Plaintiff demands judgment of and from the Defendants, jointly and severally, in the amount the jury feels is fair and reasonable and all costs of Court.

Respectfully submitted,



RAYMOND P. TULLOS
ATTORNEY FOR PLAINTIFF

RAYMOND P. TULLOS
Post Office Box 74
Raleigh, Mississippi 39153
Telephone 601-782-4242
Facsimile 601-782-4212
ATTORNEY FOR PLAINTIFF

EXHIBIT "A"

IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI

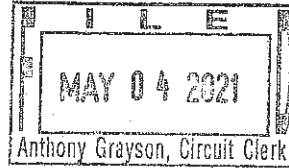
AUDREY JOHNSON, A MINOR, BY
TERESA STEWART, ADULT AND NEXT FRIEND

PLAINTIFF

VS.

NO CV 2021-082-1

PLAYCORE WISCONSIN INC.;
GAMETIME PROPERTIES, LLC;
ABC; AND DEF



DEFENDANTS

**PLAINTIFF'S INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Comes now Audrey Johnson, a minor, by Teresa Stewart, Adult and Next Friend, Plaintiff in the above styled and numbered cause, and propounds these her Interrogatories and Request for Production of Documents unto the Defendants, PlayCore Wisconsin, Inc., Gametime Properties, LLC, ABC, and DEF, to be answered and responded to in the time and manner prescribed by the Mississippi Rules of Civil Procedure to wit:

INTERROGATORIES

1. With respect to each person you expect to call as an expert witness at the trial of this cause, please state with particularity the following:

(a) The full name, address, telephone number, profession, and field of expertise of such expert.

(b) The subject matter on which the expert is expected to testify.

(c) The substance of the facts to which said expert is expected to testify.

(d) The opinions to which said expert is expected to testify.

(e) A summary of the grounds for each such opinion.

EXHIBIT "A"

(f) All books, treatises, and other technical articles or other publications on which the expert is relying or intends to rely and, with respect to each such publication, give the name, title, publisher, or other identifying data and specify the particular chapter, section, or page on which such expert relies or intends to rely.

2. With respect to each person you expect to call as a lay witness upon the trial of this cause together with a summary of their testimony, please state with particularity the following:

(a) The full name, address, telephone number, and place of employment of each witness.

(b) A summary of the testimony of each such witness.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all statements taken of any witnesses or parties to the incident involved herein.

2. Any and all reports made of said incident by the Defendants.

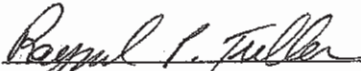
3. Any and all videotapes, DVDs, and other recordings made of the incident on August 22, 2019.

4. A list of the names, addresses, and telephone numbers of any and all witnesses whom the Defendants shall call upon the trial of this cause together with a summary of their testimony.

5. Any and all policies of insurance providing coverage for the Defendants at the time of said incident involved herein on August 22, 2019.

EXHIBIT "A"

Respectfully submitted,


RAYMOND P. TULLOS
ATTORNEY FOR PLAINTIFF

RAYMOND P. TULLOS
Post Office Box 74
Raleigh, Mississippi 39153
Telephone 601-782-4242
Facsimile 601-782-4212
ATTORNEY FOR PLAINTIFF

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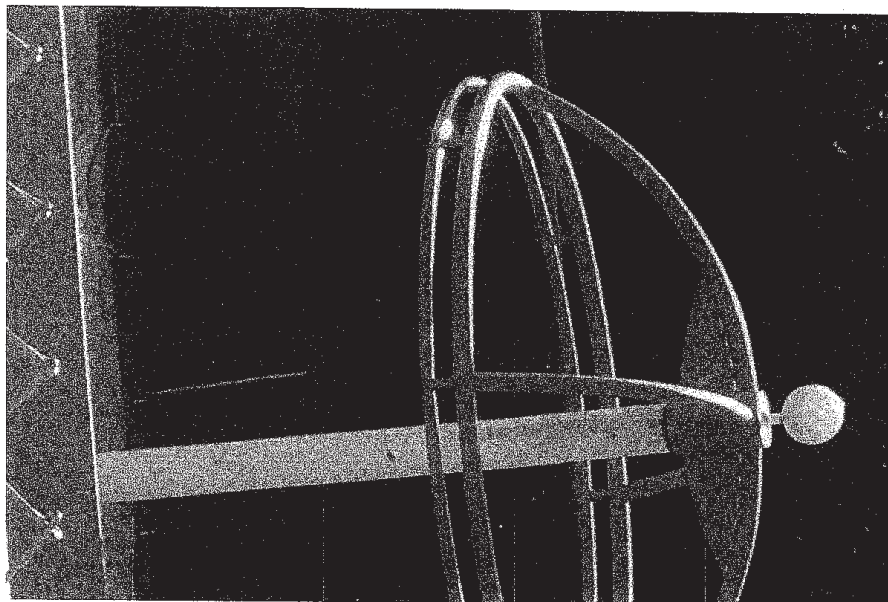


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IN THE CIRCUIT COURT OF SMITH COUNTY, MISSISSIPPI

AUDREY JOHNSON, A MINOR, BY
TERESA STEWART, ADULT AND NEXT FRIEND

PLAINTIFF

VS.

CAUSE NO.: CV-2021-082-1

PLAYCORE WISCONSIN INC.;
GAMETIME PROPERTIES, LLC;
ABC; AND DEF

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: C T Corporation System
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to **Raymond P. Tullos**, the attorney for the Plaintiff, whose post office address is Post Office Box 74, Raleigh, Mississippi 39153, and whose street address is 126 Main Street, Raleigh, Mississippi. Your response must be mailed or delivered within **thirty (30) days** from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 6th
day of May, 2021.

Anthony Grayson
CIRCUIT CLERK,

D.C.

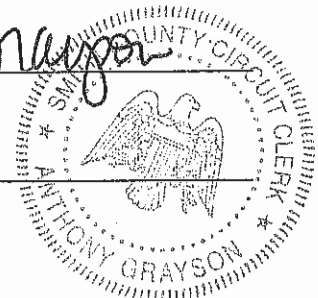


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SUMMONS

THE STATE OF MISSISSIPPI

TO: William T. Sloan
1130 North Lamar
Post Office Box 913
Oxford, Mississippi 38655

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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this _____ day of May, 2021.


CIRCUIT CLERK,

D.C

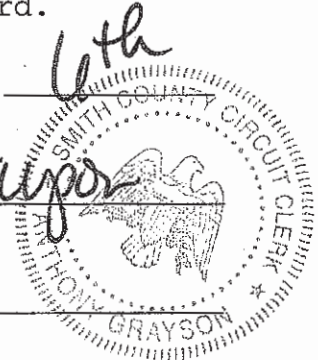


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day of May, 2021.

Anthony Grayson
CIRCUIT CLERK,

AL
D.C.

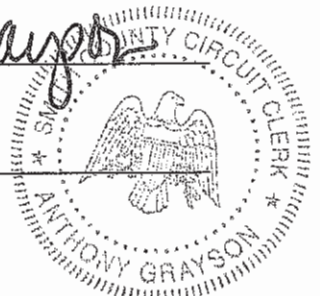
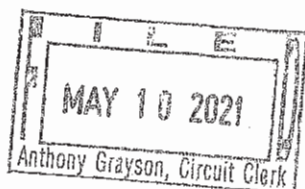


EXHIBIT "A"

PROOF OF SERVICE - SUMMONS

FOR C T Corporation System for process for
PlayCore Wisconsin, Inc.

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below:

PERSONAL SERVICE. I personally delivered copies to GUYARD on the 7 day of MAY, 2021, where I found said person in Smith county of the State of Mississippi.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ 15.00

Process server must list below:

Name _____

Social Security No. _____

Address _____

Telephone No. _____

STATE OF MISSISSIPPI
COUNTY OF SMITH.

Personally appeared before me the undersigned authority in and for state and county aforesaid, the within named TED H. KANT who being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Ted H. Kant
PROCESS SERVER

SWORN TO and subscribed before me, this the 7th day of May, 2021.

Karen D. Tubbs
NOTARY PUBLIC

My Commission Expires:

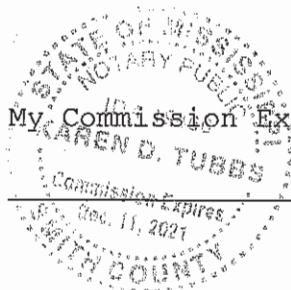


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